

Serial No.: 10/757,494
Docket No.: 28954.2036

REMARKS

Claims 1-9, as amended, remain herein.

Claims 10-15 remain herein, but are presently withdrawn from consideration.

Applicant appreciates the allowance of claims 4-9.

1. Claim 1 has been amended, thereby mooted the objection raised thereto.

2. Claims 1-3 were rejected under 35 U.S.C. §103(a) over Nomura et al. U.S. Patent 6,577,215 and Blanchard et al. U.S. Patent 5,218,332.

Nomura discloses a circuit breaker within a case 1. Nomura's circuit breaker case 1 is of unitary construction. Thus, Nomura's circuit breaker case is not a housing having two elements as claimed by applicant.

Blanchard does not disclose what is missing in Nomura. Blanchard discloses "a unitary construction case 1 molded from an electrically insulating (plastics) material," see col. 2 lines 61-63. Thus, Blanchard does not disclose a housing having two elements as claimed by applicant.

Blanchard's unitary construction case 1 includes a pair of drawers 2 and 3 which limit switching chambers 23 and 33; see col. 3 lines 7-10. Blanchard's drawers 2 and 3 have an upper apron 21 or 31 connected to sidewalls 22 and 32; see col. 3 lines 39-40. Blanchard fails to

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disclose housing elements each having two sidewalls, one back wall, one front wall and a bottom formed by a first horizontal face of the switching device, to form a tank with a cavity as claimed by applicant.

Blanchard's drawers 2 and 3 are inserted into unitary body 1. Drawers 2 and 3 are not attached to each other. They are attached only to unitary body 1. Thus, Blanchard does not disclose first and second elements joining directly together to form the switching housing as claimed by applicant.

For all of the foregoing reasons, there is no disclosure or teaching in either of Nomura or Blanchard that would have suggested applicants' claimed invention to one of ordinary skill in this art. Further, there is no disclosure or teaching in either Nomura or Blanchard that would have suggested the desirability of combining any portions thereof effectively to anticipate or suggest applicant's claimed invention. Withdrawal of the rejection of claims 1-3 and allowance of the same are therefore respectfully requested.

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Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested. The Commissioner is hereby authorized to charge/credit any fee deficiencies/overpayments to Deposit Account No. 19-4293 (Order No. 28954.2036). If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicant's undersigned attorney at the number listed below.

Respectfully submitted,

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